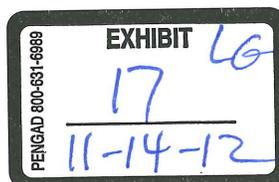


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Family Court, At Large, Seat 3

1. NAME: Mr. James Gladney McGee, III
BUSINESS ADDRESS: 201 W. Evans Street
Florence, SC 29501
TELEPHONE NUMBER: (office): 843-669-6481
2. Date and Place of Birth: 1959; Hartsville, SC
3. Are you a citizen of SC? Yes.
Have you been a resident of this state for at least the immediate past five years? Yes.
5. Family Status: Married on May 28, 1983, to Kathy Marie Shirley McGee.
Never divorced; one child.
6. Have you served in the military? No military service.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
 - (a) 1977-80 - Clemson University/No Degree/Transferred to USC to study journalism, not offered at Clemson University;
 - (b) 1980-82 - USC, BA;
 - (c) 1992-95 - USC School of Law, JD.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
SC, 1995 Have not applied for admission in any other state nor taken the bar exam in any other state.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
 - (a) Law Clerk-SC Senate Judiciary Committee 1994-95;
 - (b) Law Clerk-Bridges, Orr, Derrick & Ervin, P.A., Florence, SC 1993.
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Information to Represent Volunteer GALs	5/18/12;
(b) Avoiding Critical Financial Errors in Divorce Settlements	1/16/12;
(c) Defending the Rule to Show Cause	2/9/12;
(d) A Tangled Web. A Case Study on Federal Rules of Evidence	2/9/12;
(e) Representing the Volunteer GAL	4/15/11;



- (f) Clarence Darrow's Search for the Truth 10/21/11;
- (g) Representing the Volunteer GAL 5/7/10;
- (h) 2010 Hot Tips from the Coolest Domestic Practitioners 10/1/10;
- (i) Mini Summit on Justice for Children 12/2/10;
- (j) It's All a Game. Top Trial Lawyers Tackle Evidence 1/5/10;
- (k) Ethics Hot Tips 12/11/09;
- (l) Sidebar SC 2/20/09;
- (m) 18th Annual Criminal Practice in S.C. 2/27/09;
- (n) SC Family Court Bench & Bar 11/4/08;
- (o) Representing the Volunteer Guardian Ad Litem 6/20 08;
- (p) Child Witness Credibility 1/24/08;
- (q) Almost Annual Ethics CLE 12/14/07;
- (r) SC Family Court Bench & Bar 12/7/07;
- (s) Training for Attorneys Appointed in GAL Cases 11/16/07.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?

- (a) I am currently a Political Science Instructor at Francis Marion University and have been so since 2008. This is a 101 level class comprised mostly of freshmen students;
- (b) On one or two occasions each year, I am asked by the Centers for Equal Justice to teach a seminar for indigent citizens regarding seeking a pro se divorce. This involves instructing lay persons how to file and serve divorce pleadings as well as how to conduct themselves during their hearing;
- (c) I regularly speak to the Florence County Guardian Ad Litem program participants regarding Court procedure. The GAL program consists of volunteers who are trained to participate as GALs for children in DSS abuse and neglect cases. I occasionally am a panelist for forums created for attorneys for the SC GAL program.

12. List all published books and articles you have written and give citations and the dates of publication for each. None.

13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.

Admitted to practice before the State Courts of SC in 1995.

14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.

Since I graduated from law school in 1995, I have worked at Dusenbury, Snow & McGee, P.A. in Florence, SC. The law practice consists of myself and Stuart W. Snow, two full-time employees and one part-time employee.

I have practiced in Family Court almost exclusively since my graduation from law school, comprising an estimated 95% of all of my cases. These cases include, but are not limited to, divorce, custody, visitation, child support, adoption and name change. Because our law firm also serves as attorneys for the Guardian *ad litem* programs in Florence and Marion Counties, I have been involved in D.S.S. child abuse and neglect cases.

In 2008, I became the part-time General Counsel for Francis Marion University and currently serve in that capacity.

If you are a judge and are not seeking a different type of judgeship, the following questions are inapplicable:

- 14.(a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background has prepared you to preside over such matters as a Family Court Judge.

As set forth above, over my 17 years of practicing law, an estimated 95% of my caseload has been in the Family Courts of SC. I have extensive experience in matters pertaining to divorce actions: custody, equitable division and alimony. I have also represented clients in several adoptions. My role as attorney for guardian ad litem in the Twelfth Judicial Circuit (Florence and Marion Counties) has given me extensive experience in D.S.S. abuse and neglect cases.

15. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any.

I am not aware that I have any rating with any of the entities set forth above.

16. What was the frequency of your court appearances during the last five years?

(a) federal: 0%;
(b) state: 100%.

17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?

(a) civil: 1%;
(b) criminal: 1%;
(c) domestic: 95%;
(d) other: 3%.

18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those that settled prior to trial?

- (a) jury: 0%;
- (b) non-jury: 100%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Sole counsel.

19. List five of the most significant litigated matters you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.

- (a) DSS v. Burgess, et al (2012)(Florence County) - This matter is a recent case in which the expert testimony of the examining psychologist revealed that the birth mother had a low intellect and that said condition was unlikely to improve. The psychologist testified that because of mother's low intellect she was not able to properly parent her three children, who ranged in age from 10 to 6. Custody was placed with a relative, the case was closed and all parties were relieved. I chose this matter because it is emblematic of the sometimes difficult facts a Court is required to balance in making a decision. While there was a history of drug use in this matter, many parents of normal intellect are able to overcome these issues when motivated with the seriousness of the situation that confronts them. While it was apparent that while this mother dearly loved her children and was attempting to take the steps to remedy the cause for removal, she was not going to be able to perform what was required of her for reunification simply because of her intellect, a circumstance beyond her control. While the Court may have some empathy for situations such as this, it was clear that it was in the best interest of the children to close this matter and bring permanency to the child's life.
- (b) Powell v. Powell (2011) (Divorce) - This was the dissolution of a 40 plus year marriage with allegations of long-time physical abuse. My client appeared to be suffering mentally. She cried uncontrollably in my office as she alleged events of her marriage. I suggested she undergo mental health counseling as I concomitantly filed litigation to divide a significant family business as well as real property assets and requested restraining provisions. At the conclusion of the matter, client was well adjusted mentally and able to enjoy the assets she retained in the divorce settlement. This matter significant to me because of my client's fragile mental condition. I was able to work well with her through some difficult mood swings. I would add that it was a pleasure to work with opposing counsel in this matter, who was a zealous advocate of his client's interests, but rational and reasonable. This was also significant to me because at the end of the case, the client was protected both from a Family Court standpoint and balanced from a mental standpoint. This can often be a matter in

Family Court cases; clients requiring more than the services offered by the attorney. The attorney (and the Court, if necessary) should be able to recognize other issues in the client's life that may affect the both the client's well-being and ability to make rational decisions.

- (c) Atkinson v. Atkinson(1999)(Divorce/Custody) (Unpublished Opinion Number 2002-UP-720)- This was the divorce of a young couple with a small child. I represented the wife. Each had filed for divorce on fault based grounds (Husband filed on adultery, Wife on physical cruelty). Proving fault based grounds for physical cruelty is generally difficult because such incidents are commonly not witnessed by a third party. Sometimes there is very little evidence other than the testimony of the alleged victim or visual evidence of physical harm to the victim through photographs. This matter presented no physical evidence of abuse and was required to be developed through testimony. Based upon the testimony presented, the Court found that grounds for a divorce upon physical cruelty by clear and convincing evidence. The Court's decision was appealed by Husband and affirmed by the Court of Appeals in an unpublished opinion. Even though the allegation of adultery by my client was also found, I felt as though the allegation I was required to prove was much more difficult and important in the issue of custody.
- (d) Wells v. City of Lynchburg, 501 S.E.2d 746, 331 S.C. 296 (S.C. Ct. App. 1998).- This was a case I inherited when I joined my current law practice not long after graduating from law school. The matter had been filed by a previous attorney who worked at the firm. Larry and Earther Wells had lost their home in Lynchburg in a fire. The Wells alleged their home burned to the ground because the hydrants near their home were not operating. Had the hydrants been operating properly, the Wells alleged the damages would have been much less significant. Through discovery, I turned up documents showing malfunctioning with some hydrants in Lynchburg. Through depositions, I was able to find that the Town of Lynchburg knew the hydrant adjacent to the Wells home was malfunctioning before the fire, but the town neglected to repair it. The matter was dismissed pursuant to a 12(b)(6) motion. The Wells directed me to appeal and the decision which was affirmed by the Court of Appeals. This matter was significant to me because I would not have filed the lawsuit if it had been brought to me initially, but after doing the work through discovery, I felt the Wells claim was valid, even though it was dismissed. I learned that first impressions about a matter are not always correct.
- (e) McDaniel (2002)(Adoption)- This is the case of a woman who ended up with physical custody of a so-called "crack baby". She was diligent in providing the young child the special medical and

educational attention needed due to the child's condition. She desired to adopt the child but did not have any funds to do so. I felt Ms. McDaniel should be rewarded for her loving devotion to the child. After discussing the matter with my law partner, I filed the litigation, TPRed the parents and secured the adoption without cost to Ms. McDaniel. This was satisfying and significant to me because I was able to use the privilege of practicing law granted to me by the State of SC to recognize Ms. McDaniel's efforts. I don't know where this child would be today without her.

20. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.

(a) Wells v. The Town of Lynchburg, 501 S.E.2d 746, 331 S.C. 296 (S.C. Ct. App. 1998);

(b) Atkinson v. Atkinson, Unpublished Opinion Number 2002-UP-720.

21. List up to five criminal appeals that you have personally handled. None.

22. Have you ever held judicial office? I have never held judicial office.

24. Have you ever held public office other than judicial office?

I served as a member of the SC House of Representatives from 1997 through 2006. Members of the General Assembly file reports with their respective chamber's ethics committees. Based upon my recollection, I filed one campaign disclosure report late and was fined \$100, which I paid from my personal funds. The disclosure report was not timely mailed from my law office. It was my responsibility to timely file the report.

25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. N/A.

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? No.

27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office?

1982-92 WBTW-TV, Florence/Myrtle Beach, Broadcast Journalist/News Anchor

28. Are you now an officer or director or involved in the management of any business enterprise? No.

29. A complete, current financial net worth statement was provided to the Commission.

30. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.

My law firm works under contract for the Guardian ad litem program in the 12th Judicial Circuit. In my work as attorney for the GAL program, it is

possible that cases in which I have served as GAL attorney may appear before the Court. I would disclose the conflict to the litigants and recuse myself from hearing the matter.

In my current partnership at Dusenbury, Snow & McGee, P.A. it is possible that my law partner, Stuart W. Snow, may have matters before the Family Court initiated while I was a partner in the law firm. I would recuse myself from hearing those matters.

31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law?

Open Container, 1993/Horry County. This is listed as a traffic violation, however, I do not recall the amount of the fine and it is possible it exceeded \$125.

32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? No.
34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law? No.
36. Have you ever been investigated by the Department of Social Services? Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? No.
37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance?

I have been covered under a malpractice policy since I began practicing law in 1995. I am not now nor have I ever been covered by a tail policy. The amount of coverage is \$1,000,000 with a \$5,000 deductible.

38. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)?

Yes, I have been employed as a lobbyist. I have never acted in the capacity of lobbyist's principal. My activity as lobbyist is set forth below:

- (a) Francis Marion University 2008-11

This position required monitoring legislation pertaining to higher education and being available to members of the General Assembly regarding matters pertaining to Francis Marion University.

- (b) Electric Cooperatives of SC 2008-12

This position required monitoring of legislation of matters pertaining to the transmission and delivery of electricity and to be available to members of the General Assembly, the Governor's Office and/or other constitutional officers for matters pertaining to the transmission and delivery of electricity.

- (c) SC Physical Therapy Association 2010-12
I was retained by SCPTA in response to legislation filed that if passed, would have changed the nature of the physical therapy practice that currently exists under SC law.
 - (d) Tucker-Wells Medical, Florence S.C. 2011
An owner-operated durable medical equipment provider in Florence, S.C., Mr. Ken Wells, retained my services in 2011 to specifically assist him with proposed changes in S.C. Health and Human Services Medicaid policy pertaining to the delivery of adult incontinent supplies to Medicaid patients.
 - (e) S.C. Medical Equipment Services Association 2009
Worked on a specific issue regarding durable medical equipment in 2009.
 - (f) U.S. Tobacco 2009
Retained specifically to assist with proposed legislation regarding weight based taxation of smokeless tobacco products.
39. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? No.
40. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." None
41. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." None.
42. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek. None as of August 6, 2012.
43. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
44. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No.
45. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?

I have not requested any friends or colleagues to contact members of the General Assembly on my behalf. I am not aware of any friends or colleagues contacting the General Assembly on my behalf.

46. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
47. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
48. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
 - (a) SC Association of Criminal Defense Lawyers (held no offices);
 - (b) Florence County Bar Association (held no offices);
 - (c) SC Bar Association (held no offices).
49. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere. None.
50. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek.

I was employed for ten years as a journalist before attending law school. In this position, there is an obligation to the public to disclose facts and information so the public can make decisions regarding their government, their health, safety and well-being. Sometimes the facts are obvious to a journalist and sometimes they are not. A journalist holds a position of trust, that he or she will work diligently to discover the facts and disclose them to the public, without influence from those the information may damage. It was this sense of service as a journalist that led me to law school. Like a journalist, an attorney holds a position of trust. My clients have entrusted me with important facets of their lives. Matters dealing with custody and visitation can be some of the most emotional and impactful in one's life, not only for the clients, but for their children as well. I have participated in hundreds of DSS abuse and neglect cases as attorney for the Florence and Marion County GAL offices. I am proud of the work the volunteer GALs have done to improve the lives of children that come through our Courts. I am confident this work has and will lead to better lives for these children and will make the difference in putting children on the path of becoming productive adults. I can see how a Court, paying attention to details in these cases, makes a difference. I told my wife once that I had appeared hundreds of times on live television into thousands of households during my career as a journalist, but that I had never felt the pressure like the pressure of being an attorney in a domestic relations matter or DSS abuse and neglect matter. From this perspective, it is not difficult to see the

importance of the S.C. Family Court Judge. The issues brought before the Court are not only important, but they are often deeply emotional for the litigants and they involve the future well being of children and potentially, the well being of the State of SC. The Court must be patient, respectful and attentive. The Court should work to make sure each side has the opportunity to have their matter heard so that a sound and just decision can be reached while following the lodestar of the best interests of the child. I believe all of my experience gives me the skill set to perform the difficult task of a S.C. Family Court Judge. As importantly, it is my desire to provide service to my state in this capacity.

51. References:

- (a) John Martin (Banker)
First Citizens Bank
2009 Hoffmeyer Road
Florence, S.C. 29501
(843) 292-9821;
- (b) L. Fred Carter, President
Francis Marion University
P.O. Box 100547
Florence, S.C. 29501
(843) 661-1216;
- (c) Jil Matthews, Director
Florence County GAL Program
P.O. Box 1484
Florence, 29503
(843) 669-7940;
- (d) John Frick, Vice President, Legis. Affairs
Electric Co-Ops of S.C.
808 Knox Abbot Drive
Cayce, S.C. 29033
(803) 796-6060;
- (e) Stuart W. Snow
Dusenbury, Snow & McGee, P.A.
P.O. Box 555
Florence, S.C. 29503
(843) 669-6481.

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: James Gladney McGee, III

Date: August 6, 2012